

AMENDED IN ASSEMBLY APRIL 1, 2008
AMENDED IN ASSEMBLY MARCH 13, 2008
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2128

Introduced by Assembly Member Emmerson

February 20, 2008

An act to add Section 1265.4 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as amended, Emmerson. Health facilities: dietitians.

Under existing law, the State Department of Public Health licenses and regulates health care facilities. Violations of the provisions constitutes a misdemeanor.

This bill would require that specified health facilities ~~who~~ *employ a full-time, part-time, or consulting dietitian. The bill would require those facilities that* employ a registered dietitian less than full time also employ a full-time dietetic services supervisor. The dietetic services supervisor would be required to consult with, and be supervised by, the dietitian and meet educational requirements, as specified. This bill would temporarily exempt from the ~~education~~ *educational* requirements any individual who has been working full time as a dietetic services supervisor in a health facility for 5 years or more when the bill becomes operative and allow them to continue to function as a dietetic services supervisor for 15 months as long as they are enrolled in a specified education program. The exemption could be extended an additional 9 months if the individual can demonstrate to the department that the education program could not be completed within the original 15-month

period. *By creating a new crime, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1265.4 is added to the Health and Safety
- 2 Code, to read:
- 3 1265.4. (a) ~~Any~~ A licensed health facility, as defined in
- 4 subdivision (a), (b), (c), (d), (f), or (k) of Section 1250, *shall*
- 5 *employ a full-time, part-time, or consulting dietitian. A health*
- 6 *facility that employs a registered dietitian less than full time, shall*
- 7 *also employ a full-time dietetic services supervisor who meets the*
- 8 *requirements of subdivision (b) to supervise food dietetic service*
- 9 *operations. The dietetic services supervisor shall receive*
- 10 *supervision from the registered dietitian. The registered dietitian*
- 11 *shall be available to the dietetic services supervisor for consultation*
- 12 *and assistance.*
- 13 (b) The dietetic services supervisor shall have completed at least
- 14 one of the following educational requirements:
- 15 (1) A baccalaureate degree with major studies in food and
- 16 nutrition, dietetics, or food management and has one year in the
- 17 dietetic service of a licensed health facility.
- 18 (2) A graduate of a dietetic technician training program approved
- 19 by the American Dietetic Association or currently registered by
- 20 the Commission on Dietetic Registration.
- 21 (3) A graduate of a dietetic assistant training program approved
- 22 by the American Dietetic Association.
- 23 (4) *Is a graduate of a dietetic services training program*
- 24 *approved by the Dietary Managers Association and is a certified*
- 25 *dietary manager credentialed by the Certifying Board of the Dietary*
- 26 *Managers Association, maintains this certification, and has received*
- 27 *at least six hours of in-service training on the specific California*
- 28 *dietary service requirements contained in Title 22 of the California*

1 Code of Regulations prior to assuming full-time duties as a dietetic
2 services supervisor at the health facility.

3 (5) A graduate of a state approved program that provides 90 or
4 more hours of classroom instruction; *in dietetic service supervision,*
5 *or 90 hours or more of combined classroom instruction and*
6 *instructor led interactive Web based instruction; or a combination*
7 ~~thereof~~; in dietetic service supervision.

8 (6) Received training experience in food service supervision
9 and management in the military equivalent in content to paragraph
10 (2), (3), or (5).

11 (c) The State Department of Public Health may grant a program
12 flexibility request to any individual who has at least five years
13 experience prior to January 1, 2009, as a dietetic services supervisor
14 in a health facility specified in subdivision (a) to allow that
15 individual to function as a dietetic services supervisor for a period
16 not to exceed 15 months, as long as the individual is enrolled in a
17 program that meets the requirements listed in subdivision (b). The
18 department may extend the program flexibility request for a period
19 not to exceed nine months if the individual can demonstrate to the
20 department that the coursework could not otherwise be completed
21 within the original 15-month period.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.